
Publish date:
1/31/2013

WQC number: 848-7033A1-WQC-1

Public Notice

Closing Date:
3/2/2013

This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

Commonwealth of Kentucky
Department for Natural Resources
Division of Mine Permits

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Application for Water Quality Certification for Surface Coal Mining Activities

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. **Applicant Name:** Nally & Hamilton Enterprises, Inc.
Mailing Address: P.O. Box 2323
London, KY 40741
Contact Person: Stephen Hamilton
Telephone No: (606) 878-1500
E Mail Address:
2. **Consultant Name & Address:** Biological Systems Consultants, Inc.
P.O. Box 54954, Lexington, KY 40555
Telephone No. (859) 263-4142
E Mail Address: shaun@biologicalsystemsconsultants.com
3. **Provide a brief description of the proposed activity and stream impact.**
Construction of 8 road crossings.
4. **Project Location Information:**

County Harlan; **USGS Quadrangle Name** Ewing & Varilla

Nearest Community & Road Intersection: Pathfork ; KY 72 and KY2005

Longitude 36.7114794 Latitude -83.4708646 (Approximate center of the project area)
5. **List the names of all streams affected by the proposed project:** Gap Hollow/
Path Fork and unnamed tributaries to Gap Hollow

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

SC-1: 455.5 acres

SC-2: 150.5 acres

SC-3: 9.8 acres

SC-4: 28.9 acres

SC-5: 21 acres

SC-6: 7.2 acres

SC-7: 5 acres

SC-8: 15.7 acres

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

Gap Hollow / Path Fork; SC 1; Permanent; Perennial; 200 Linear Feet

UT Pathfork; SC2; Permanent; Intermittent; 200 Linear Feet

UT Pathfork; SC3; Permanent; Ephemeral; 200 Linear Feet

UT Pathfork; SC4; Permanent; Ephemeral; 200 Linear Feet

UT Pathfork; SC5; Permanent; Intermittent; 200 Linear Feet

UT Pathfork; SC6; Permanent; Ephemeral; 100 Linear Feet

UT Pathfork; SC7; Permanent; Ephemeral; 100 Linear Feet

UT Pathfork; SC8; Permanent; Intermittent; 100 Linear Feet

8. Provide the acreage of wetlands that would be impacted: _N/A_

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

2.6 miles south from KY 2005's junction with KY 72 along Path Fork

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes _X_ No ___. If yes, indicate type of application:

NW 12 ___ NW 14 _X_ NW 21 ___ NW 27 ___ NW 49 ___

NW 50 ___ Individual ___ Other ___

11. Provide the following permit numbers associated with this mining activity:
SMCRA Permit No. _848-7033AM1_, KPDES No. KYG046779

12. The following attachments must be provided:

a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.

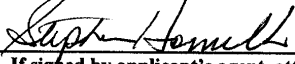
b. A 7.5 minute topographic map delineating the proposed project area.

c. A copy of the complete Compensatory Mitigation Plan (NWP14 PCN)

List all other plans and profiles included with this application:

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:

, Date: 1-10-13
If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR
DIVISION OF MINE PERMITS
#2 HUDSON HOLLOW
FRANKFORT, KENTUCKY 40601